

REMARKS

Discussion of Objection to Drawings

The Examiner objected to Fig. 1 for its being cutting off at the bottom.

In response, Applicant has amended Fig. 1 as described in the Replacement Sheet, all the features of which were shown already in the Priority Document and other figures.

Discussion of Objection to Specification

The Examiner objected to the Specification for informalities.

In response, Applicant has amended the Specification as described in the Specification Amendment.

Discussion of Objection to Claim

The Examiner objected to Claim 3 for informality.

In response, Applicant has amended Claim 3 as described in the Claim Amendment.

Discussion of Claim Rejections under 35 U.S.C. 112

The Examiner rejected Claim 7 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, Applicant has amended Claim 7 accordingly to be specific and clear to the subject matter of the claims.

Withdrawal of the rejections of the claims is respectfully requested.

Discussion of Claim Rejections under 35 U.S.C. 103

The Examiner rejected Claims 1 through 5 under 35 U.S.C. 103 as being unpatentable over Schechter et al. (US Patent 5643304); and Claim 7 over Schechter in view of Dinger et al. (US Publication 2001/0037114) in further in view of Willard et al. (US Patent 5419774).

In response, Applicant has amended Claims 1-5 and 7, mainly Claim 1, by limiting them further.

Schechter's Disclosure

Schechter discloses a method and apparatus for minimally invasive tissue removal, which includes an outer cannula 15, a cutting end 16, a cutting opening 89, another outer cannula 105, and a rasp type cutter 106.

Claim 1

Claim 1 of the present invention reads as follows (emphasis is added);

1. A facial bone contouring device, comprising:
 - a rasp including a rod, and a cutter, a saline solution feeding passage and a bone fragment exhausting passage formed in the cutter;
 - a powered surgical handpiece connected to the rasp for providing linear reciprocating motion to the rasp;
 - a saline solution feeding unit for feeding saline solution to the saline solution feeding passage of the rasp;
 - a suction unit for sucking the cut bone fragments from the rasp via the bone fragment exhausting passage and then exhausting the cut bone fragments to the outside; and
 - a protector, formed to have a cylindrical shape, configured to accept and surround the entire surface of the rod and a part of the cutter of the rasp, wherein the protector is configured to be inserted with a trocar,
- wherein bone cutting is performed under the condition that the saline solution is fed into the rasp, and cut bone fragments are exhausted to the outside together with the saline solution, so that the bone cutting is continuously performed, and
- wherein the protector is configured to be separated from the rasp, to accept the trocar, to be delivered to a bone cutting site, to release the trocar, and to accept the rasp in the original

place such that the rasp is disposed at the bone cutting site via a minimum incision, and

wherein a plurality of non-plugging holes are formed through a cutting plane and between a cutting blade formed at a lower portion of the cutter so as to exhaust cut bone fragments, wherein a cavity is formed in the cutter connected to the plurality of non-plugging holes, and wherein the cavity is connected to the bone fragment exhausting passage of the rasp.

The amended Claim 1 of the present invention is directed to a facial bone contouring device, comprising a plurality of nonplugging holes (13c), a cavity (103b), and a cutting blade (13a). And, the plurality of nonplugging holes are formed through a cutting plane and between the cutting blade formed at a lower portion of the cutter so as to exhaust cut bone fragments, wherein the cavity is formed in the cutter connected to the plurality of nonplugging holes, and the cavity is connected to the bone fragment exhausting passage of the rasp. (See Figs. 1 and 2)

As can be seen clearly in Figs. 1 and 2 of the invention, the cut bone fragments by the cutting blade (13a) is sucked through the plurality of nonplugging holes (13c), provided between the cutting blade (13a), into the cavity (13b) provided behind the cutting plane.

In contrast, Schechter does NOT provide a plurality of nonplugging holes for exhausting the cut bone fragments. Instead, Schechter provides the cutting opening 89 as shown in Fig. 3. However, as clearly seen in Figs. 2 and 3, the cutting opening 89 are NOT provided between a rasp teeth 107 of the rasp type cutter 106. The tissue (T) is sucked into the cutting opening 89, which is provided in an outer cannula 15 as shown in Fig. 4, which is NOWHERE around the rasp teeth 107 in Fig. 4.

Dinger may teach a cutting member having a shaft with a bending portion, and Dillard may teach a cutting device having a protector having a double tube structure.

However, Dinger or Willard does NOT cure the above deficiency of Schechter.

Therefore, Schechter, Dinger, Willard, or their combination does NOT teach or suggest the inventive features of the invention as claimed in Claims 1-5 and 7.

Dependent Claims

Although Applicant has not addressed all the issues of the dependent claims, Applicant respectfully submits that Applicant does not necessarily agree with the characterization and assessments of the dependent claims made by the Examiner, and Applicant believes that each claim is patentable on its own merits. Claims 2-5 and 7 are dependent either directly or indirectly on the above-discussed independent Claim 1. Applicant respectfully submits that the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompts allowance of the claims.

CONCLUSION

The applicant believes that the rejections were obviated by the amendment of claims, and the application is now in condition for allowance: therefore, reexamination, reconsideration and allowance of the claims are respectively requested. If there are any additional comments or requirements from the examination, the applicant asks for a non-final office action.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any over-payment to Deposit Account No. 16-0310.

Very truly yours,

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